

Exhibit 10



NATIONAL ARCHIVES *and* RECORDS ADMINISTRATION
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July 26, 2018 – Sent via email

Mr. Patrick McMullen
patrick.mcmullen@sparacinopllc.com

Re: Case No. 18-03089
AMS: CL

Dear Mr. McMullen:

This responds to your May 23, 2018, request to the Office of Government Information Services (OGIS), which we received via email. Your request for assistance concerns your Freedom of Information Act (FOIA) requests to the Department of State (DOS).

Between November and December 2017, Sparacino & Andreson PLLC submitted four FOIA requests to DOS: Case Control Nos. F-2017-17610, F-2018-00003, F-2018-00010, and F-2018-00011. DOS acknowledged receipt of your requests; however, the agency did not process the requests within the statutory time frame, and you report that DOS did not explain the reason for its delay in responding to the requests or respond to your firm's efforts to obtain status information. On April 13, 2018, you appealed the Department's failure to respond to your requests within the statutory time period. On April 18, 2018, DOS informed you that your requests are not subject to administrative appeal because the Department has not specifically denied you access to the records you requested. You believe DOS's determination that you cannot file an administrative appeal is contrary to Federal law and sought OGIS assistance in obtaining access to the records you seek.

Congress created OGIS to complement existing FOIA practice and procedure; we strive to work in conjunction with the existing request and appeal process. Our goal is to allow, whenever practical, the requester to exhaust his or her remedies within the agency, including the appeal process. OGIS has no investigatory or enforcement power, nor can we compel an agency to release documents. OGIS serves as the Federal FOIA Ombudsman and our jurisdiction is limited to assisting with the FOIA process.

OGIS provides mediation services to resolve disputes between FOIA requesters and Federal agencies. After opening a case, OGIS gathers information from the requester and the agency to learn more about the nature of the dispute. This process helps us gather necessary background information, assess whether the issues are appropriate for mediation, and determine the willingness of the parties to engage in our services. As part of our information gathering, we contacted DOS FOIA Public Liaison Kellie Robinson to inquire about your request.

In our communications with Ms. Robinson, she noted that DOS denied your appeal and advised you of your right to seek judicial review of the denial of your request. Despite the fact that the Department has not made a substantive determination in response to your requests, because more than 20 business days have passed, you are considered to have constructively exhausted, and may, if you wish, file a complaint in Federal district court immediately. As a practical matter, many agencies follow the lead of the Department of Justice in this kind of situation – if the

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agency has not yet provided a substantive response – or adverse determination – at the initial administrative stage, the appellate authority has nothing to adjudicate. As a result, the requester is asked to file an appeal only after the agency has rendered a substantive decision – or adverse determination, which includes denials of records in full or in part, “no records” responses, denials of requests for fee waivers, and denials of requests for expedited processing.

Unfortunately, OGIS does not have the authority to force the State Department to expedite its responses. However, in response to our inquiry about your requests, Ms. Robinson informed us that the agency continues to search for responsive records, and estimates that it will complete processing your request by July 31, 2018. Please note that the Department’s estimate is just that, an estimate. It is not a guarantee that DOS will have completed processing your request by that date.

If you have not received DOS’s response by mid-September 2018, please contact OGIS for further assistance and/or follow up with DOS directly. For your reference, below we provided the relevant contact information:

Department of State FOIA Requester Service Center
Phone: 202-261-8484

Kellie Robinson, FOIA Public Liaison
U. S. Department of State
A/GIS/IPS/PP
SA-2, Suite 8100
Washington, D. C. 20522-0208
Email: RobinsonKN@state.gov
Phone: 202-261-8484
Facsimile: 202-261-8579

Although this may not be the outcome you anticipated, we hope you find this information useful. At this point, it appears that we can offer no further assistance and we consider this matter closed. Please contact us if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Alina M. Semo". The signature is fluid and cursive, with the first name "Alina" being more prominent than the last name "Semo".

ALINA M. SEMO
Director

cc: DOS FOIA Public Liaison